IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 325 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOHD.HANIF AKHTARHUSSAIN SAIYED

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 325 of 2001

MR EE SAIYED for Petitioner No. 1

MR BY MANKAD PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 08/11/2001

ORAL JUDGEMENT

#. This is a Revision Application filed against an order passed by the learned Additional Sessions Judge, Rajkot on 29.6.2001 below Ex.6 filed on behalf of the present petitioner - accused in Sessions Case No.133/2000

to discharge him for the offences charged against him under Sections 364(A), 392, 385, 120-B, 506(2), 188 of the Indian Penal Code.

#. Offence in question took place on 7.3.2000 and the FIR came to be lodged on 11.3.2000 at 14:45 hours before "A" Division Police Station, Rajkot City. The brief facts disclose that there was some dispute regarding a flat between accused Nos.1, 2, 3 and the complainant for which the complainant was kidnapped and was threatened and was forced to part with the amount of Rs.1,50,000/for the flat which perhaps could not be delivered to the accused Nos.1, 2 and 3. The story of the prosecution is that the complainant was kidnapped by accused Nos.1, 2 and 3, was threatened and released. That a threat was to part with the money and the mode which was prescribed was that the accused Nos.1, 2 and 3 be sent the money through courier service. The accused Nos.4 and 5 appear to be persons of courier service. Taking the police in confidence by a fictitious information, one courier service informed accused Nos.4 and 5 that an amount has been received for them from one Nitin and so accused Nos.4 and 5 came to that courier office of Surat to receive the amount.

#. Learned advocate Mr.E.E.Saiyed, for the applicant and learned APP Mr.B.Y.Mankad, for the respondent -State were heard.

#. Learned Sessions Judge rejected the application on the ground that there was sufficient material on record to proceed against the accused No.5 and, therefore, the appalication for discharge requires rejection. Nothing could be shown that the order of the learned Additional Sessions Judge is either erroneous or illegal which requires interferance by this Court. Suffice it to say that after having heard learned counsel and having gone through the papers as supplied on behalf of the applicant, at present there is material to proceed against the accused No.5 and, therefore, the request of the accused No.5 to dishcarge him cannot be acceeded to and as such no interferance is required in the order impugned.

#. In this view of the matter, this Revision Application stands dismissed. Rule is discharged. Interim relief is vacated.

(J. R. VORA, J.)

kks